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8
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RISTIC, et al.
SERIAL NO : 09/810,764
FILED : March 16, 2001
TITLE : MAIZE CHLOROPLAST PROTEIN SYNTHESIS ELONGATION
FACTORS AND METHODS OF USE FOR SAME
Grp./A.U. : 1646
Conf. No. : 7108
Docket No. : P03965US1

TRANSMITTAL
FOR REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. § 1.47(a)

To the Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Dear Madam:

In response to the Office of Petitions Action dated March 18, 2002, entitled "Decision Granting Petition Under 37 CFR § 1.78(a)(6) and Refusing Status Under 37 CFR § 1.47 (a)" are the following documents being submitted to the Patent Office:

(1) A Response to Notice of Missing Parts:

(a) A copy of the Notice to File Missing Parts of Application,

(b) Declaration Not Accompanying Application, signed and dated by the inventors:

Zoran Ristic, dated May 15, 2002
Shailendra K. Bhadula, dated May 15, 2002
Genping Yang (unsigned -- see #2 below)
Thomas E. Elthon, dated May 17, 2002
Jeffrey E. Habben, dated May 16, 2002

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JUN 28 2002

OFFICE OF PETITIONS

06/27/2002 AWONDAF1 00000118 09810764

01 FC:105 130.00 OP

06/27/2002 AWONDAF1 00000118 09810764

02 FC:122 130.00 OP

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on this 18 day of June, 2002.

Heidi S. Nebel

(c) Declaration for Signature by Joint Inventors on Behalf of Nonsigning Inventor Who Cannot Be Reached (37 CFR § 1.47(a)), signed and dated by the joint inventors:

Zoran Ristic, dated May 15, 2002

Shailendra K. Bhadula, dated May 14, 2002

Thomas E. Elthon, dated May 14, 2002

Jeffrey E. Habben, dated May 16, 2002

(d) A \$130 surcharge for late filing of oath or declaration under 37 CFR § 1.16(e).

(2) Request For Reconsideration of Petition Under 37 CFR § 1.47(a) To Accept Filing On Behalf of Nonsigning Inventor, with the following attachments:

(a) A copy of the Decision Granting Petition Under 37 CFR § 1.78(a)(6) and Refusing Status Under 37 CFR § 1.47(a);

(b) Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor (37 CFR § 1.47):

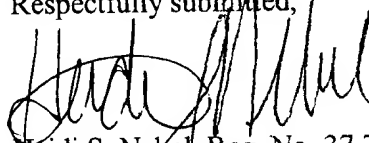
(i) Statement of Facts by Patricia E. Wilson WITH Exhibits 1-8;

(ii) Statement of Facts by Lila A.T. Akrad WITH Exhibits A-B.

(c) \$130 petition fee under 37 CFR § 1.17(i).

If any additional fees are needed, please charge Deposit Account No. 26-0084.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719

McKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, Iowa 50309-2721

Phone No. (515) 288-3667

Fax No. (515) 288-1338

CUSTOMER NO: 27142

Attorneys of Record

- LA/sk -



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/810,764	03/16/2001	Zoran Ristic	P03965US1

CONFIRMATION NO. 7108

FORMALITIES LETTER



OC000000006033067

27142
ZARLEY, MCKEE, THOMTE, VOORHEES & SEASE
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

Date Mailed: 05/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR.1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

06/27/2002 AWONDAF1 00000118 09810764


01 FC:105

130.00 DP

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PTO/SB/17 (11-01)
Approved for use through 10/31/2002. OMB 0661-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 370.00

Complete if Known

Application Number	09/810,764
Filing Date	March 16, 2001
First Named Inventor	Ristic, M.
Examiner Name	Flanagan, B.
Group Art Unit	1646
Attorney Docket No.	P03965US1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 26-0084
Deposit Account Name: McKee, Voorhees & Sease, P.L.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid
Total Claims Independent Claims Multiple Dependent
-20** = X =
-3** = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Petition Fee Under 37 CFR 1.17(i)					130
*Reduced by Basic Filing Fee Paid					370

SUBTOTAL (3) (\$) 370

SUBMITTED BY

Name (Print/Type)	Heidi S. Nebel	Registration No. (Attorney/Agent)	37,719	Telephone	(515) 288-3667
Signature		Date	6/18/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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MCKEE, VOORHEES & SEASE, LLC



Email: akrad@ipmvs.com
April 25, 2002

BRUCE W. MCKEE*
MICHAEL G. VOORHEES*
EDMUND J. SEASE*
MARK D. HANSING*
KIRK M. HARTUNG*
HEIDI S. NEBEL*
WENDY K. MARSH*
JEFFREY D. HARTY*
RONALD M. SOTAK*
R. SCOTT JOHNSON*
MATTHEW M. CATLETT**
JOHN D. GOODHUE*

*PATENT LAWYERS
*ADMITTED IN NEBRASKA
AND D.C. ONLY

VIA FACSIMILE
(605) 677-6630

Human Resources Dept.
University of South Dakota
414 East Clark Street
Vermillion, SD 57069

Re: Most Recent Home Address

To Whom It May Concern:

Our firm is representing Dr. Zoran Ristic at the University of South Dakota, Biology Department. We are writing regarding the last known home address of Dr. Genping Yang who worked in Dr. Ristic's laboratory from May 1, 1995 to April 30, 1997. Dr. Ristic has checked his records and does not have the last known home address of Dr. Yang. Dr. Ristic has asked us to contact you to obtain the information. It would be greatly appreciated if you could please fax the information back to me at your earliest convenience.

Thank you for your time.

Please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,

LILA A. T. AKRAD, on behalf of
HEIDI S. NEBEL

LA/jc

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JUN 28 2002

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MVS

ATTORNEYS AT LAW • WWW.IPMVS.COM
801 GRAND AVENUE • SUITE 3200 • DES MOINES, IOWA 50309-2721 • 515-288-3667 • FAX 515-288-1338

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0602	
CONNECTION TEL		16056776630
SUBADDRESS		
CONNECTION ID		
ST. TIME	04/25 12:52	
USAGE T	00'53	
PGS.	2	
RESULT	OK	

Facsimile Cover Sheet

To: Attn: Human Resources
Company: University of South Dakota
Phone: 605-677-5011
Fax: 605-677-6630

From: Lila A.T. Akrad, on behalf of
Heidi S. Nebel
Company: MCKEE, VOORHEES & SEASE
e-mail: akrad@ipmvs.com
Phone: 515-288-3667
Fax: 515-288-1338

Date: April 25, 2002
**Pages including this
cover page:** 2

Comments:

Please see attached letter.

Facsimile Cover Sheet

To: Attn: Human Resources
Company: University of South Dakota
Phone: 605-677-5011
Fax: 605-677-6630

From: Lila A.T. Akrad, on behalf of
Heidi S. Nebel
Company: MCKEE, VOORHEES & SEASE
e-mail: akrad@ipmvs.com
Phone: 515-288-3667
Fax: 515-288-1338

Date: April 25, 2002

**Pages including this
cover page:** 2

Comments:

Please see attached letter.

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